

BILL NO. Z-87-04-09

ZONING MAP ORDINANCE NO. Z-

12-87

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. K-34.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated an IA Symbol (Interchange Access) District
under the terms of Chapter 33 of the Code of the City of
Fort Wayne, Indiana of 1974:

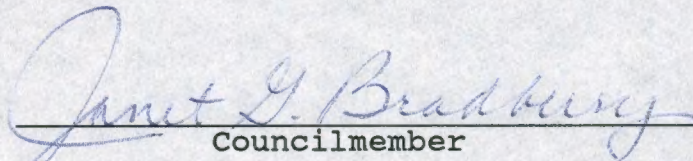
Part of the Northwest Quarter of Section 22, Township
31 North, Range 12 East, in Allen County, Indiana, more
particularly described as follows:

Commencing at the Northwest Corner of the Northeast
Quarter of Section 22, Township 31 North, Range 12
East, Allen County, Indiana; thence South along the
West line of the NE, 1/4 of Sec. 22-31-12, a distance
of 40.0 feet to a point on the South right of way line
of Washington Center Road; thence East with a
deflection angle to the left of 90 degr. 08 min. along
the South right of way line Washington Center Road and
parallel to the North line of the NE, 1/4 of Sec. 22-
31-12, a distance of 668.39 to the true point of
beginning; thence South with a deflection angle to the
right of 90 degr. 00 min, a distance of 310.0 feet to a
point of curvature; thence Southwesterly along a curve
to the right having a radius of 330.0 feet and a
central angle of 29 degr. 09 min. an arc distance of
167.89 feet; thence Southeasterly radial to said curve,
a distance of 60.0 feet; thence Southeasterly with a
deflection angle to the left of 14 degr. 20 min. a
distance of 377.73 feet to a point on the Northerly
right of way line of Interstate Highway #69; thence
Northeasterly with a deflection angle to the left of 46
degr. 58 min. along said right of way line of
Interstate Highway #69, a distance of 80.0 feet to a
point of curvature at Station 3+75.94 line NWC; thence
Northerly on a non-tangent curve to the left having a
radius of 232.84 feet, a central angle of 78 degr. 56
min. 52 sec. and a deflection angle left to the chord
of 41 degr. 01 min. 34 sec. an arc distance of 320.8
feet along said right of way line of Interstate Highway
#69 to a point of tangency, said point being 40.0 feet
Westerly of Station 0+00 line NWC, Interstate Highway
#69, and also being 89.0 feet Westerly of Station
115+25.69 on the centerline of State Road #3 (Project
69-4(3)109); thence Northwesterly with a deflection
angle to the left of 39 degr. 28 min. 26 sec. from the
chord of aforesaid curve, along the Westerly right of
way line of State Road #3, a distance of 127.6 feet to
Plan Station 116+51.6, said point being 80.0 feet
radially distant Southwestward from said centerline of
State Road #3; thence Northwesterly with a deflection

1 angle to the left of 00 degr. 33 min. along said right
2 of way line of State Road #3, a distance of 146.7 feet
3 to a point, said point being 75.0 feet radially distant
4 Southwestward from the centerline of State Road #3;
5 thence Northwesterly with a deflection angle to the
6 left of 34 degr. 50 min. along said right of way line,
7 a distance of 36.0 feet to a point on the South right
8 of way line of Washington Center Road; thence West with
9 a deflection angle to the left of 32 degr. 08 min.
10 along the South right of way line of Washington Center
11 Road, a distance of 393.21 feet to the point of
12 beginning. containing 6.39 acres.

13 and the symbols of the City of Fort Wayne Zoning Map No. K-
14 34, as established by Section 11 of Chapter 33 of the Code
15 of the City of Fort Wayne, Indiana are hereby changed
16 accordingly.

17 SECTION 2. That this Ordinance shall be in full force
18 and effect from and after its passage and approval by the
19 Mayor.

20 
21 Councilmember

22 APPROVED AS TO FORM AND LEGALITY:

23 
24 BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the C:
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Way
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ .M., I

DATE: 4-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Redd, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 7-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)

(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. 3-12-87
on the 14th day of July, 1987,

ATTEST:

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Mark E. GiaQuinta

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 15th day of July, 1987
at the hour of 11:30 o'clock 7 .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of July
1987, at the hour of 9:00 o'clock A .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

6002

No 1180

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 3/19/87 1987

RECEIVED FROM Mr. & Mrs. J. W. Washington \$ 50.00

THE SUM OF Fifty DOLLARS

ON ACCOUNT OF 11009 W. Washington Rd.

Reyming

Elizabeth A. Koch

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Marathon Petroleum Company & Cracker Barrel Old Country Store, Inc.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an M-1 District to a/an I-A District the property described as follows:

See Attached Legal Description

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1609 West Washington Center Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Cracker Barrel Old Country Store, Inc.</u>	<u>(2 AC Under Contract)</u>	<u>(615/444-5533)</u>
<u>Whiteco Industries, Inc.</u>	<u>Hartmann Drive, Lebanon, TN. 37088</u>	
<u>Marathon Petroleum Company</u>	<u>1000 E. 80th Place-Suite 700N</u>	
<u>(Name)</u>	<u>Merrillville, Indiana 46410</u>	
	<u>2 AC Under Contract</u>	
	<u>Hartmann Drive, Lebanon, TN 37088</u>	
	<u>(Address)</u>	<u>(Signature)</u>

S. G. Thomas, Manager
Marketing-Real Estate

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>JAMES A. FEDEROFF</u>	<u>2100 Fort Wayne Bank Bldg.</u>	<u>219/422-2561</u>
<u>(Name)</u>	<u>(Address & Zip Code)</u>	<u>(Telephone Number)</u>
	<u>Fort Wayne, IN 46802</u>	

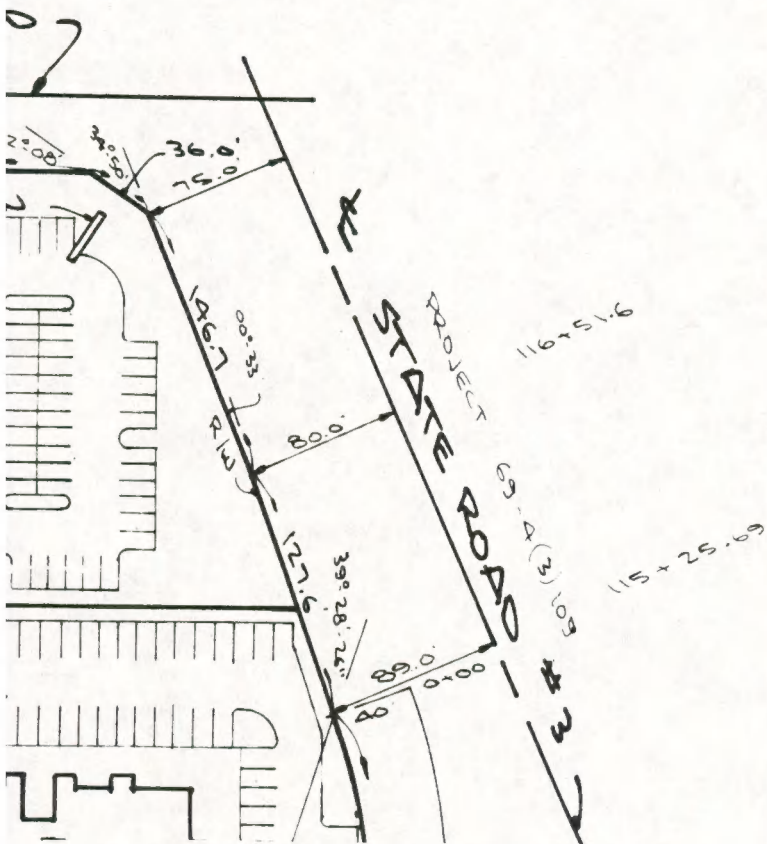
COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

LEGAL DESCRIPTION:

Part of the Northwest Quarter of Section 22, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana; thence South along the West line of the NE. 1/4 of Sec. 22-31-12, a distance of 40.0 feet to a point on the South right of way line of Washington Center Road; thence East with a deflection angle to the left of 90 degr. 08 min. along the South right of way line of Washington Center Road and parallel to the North line of the NE. 1/4 of Sec. 22-31-12, a distance of 668.39 to the true point of beginning; thence South with a deflection angle to the right of 90 degr. 00 min, a distance of 310.0 feet to a point of curvature; thence Southwesterly along a curve to the right having a radius of 330.0 feet and a central angle of 29 degr. 09 min. an arc distance of 167.89 feet; thence Southeasterly radial to said curve, a distance of 60.0 feet; thence Southeasterly with a deflection angle to the left of 14 degr. 20 min a distance of 377.73 feet to a point on the Northerly right of way line of Interstate Highway #69; thence Northeasterly with a deflection angle to the left of 46 degr. 58 min. along said right of way line of Interstate Highway #69, a distance of 80.0 feet to a point of curvature at Station 3+75.94 line NWC; thence Northerly on a non-tangent curve to the left having a radius of 232.84 feet, a central angle of 78 degr. 56 min. 52 sec. and a deflection angle left to the chord of 41 degr. 01 min. 34 sec. an arc distance of 320.8 feet along said right of way line of Interstate Highway #69 to a point of tangency, said point being 40.0 feet Westerly of Station 0+00 line NWC, Interstate Highway #69, and also being 89.0 feet Westerly of Station 115+25.69 on the centerline of State Road #3 (Project 69-4(3)109); thence Northwesterly with a deflection angle to the left of 39 degr. 28 min. 26 sec. from the chord of aforesaid curve, along the Westerly right of way line of State Road #3, a distance of 127.6 feet to Plan Station 116+51.6, said point being 80.0 feet radially distant Southwestward from said centerline of State Road #3; thence Northwesterly with a deflection angle to the left of 00 degr. 33 min. along said right of way line of State Road #3, a distance of 146.7 feet to a point, said point being 75.0 feet radially distant Southwestward from the centerline of State Road #3; thence Northwesterly with a deflection angle to the left of 34 degr. 50 min. along said right of way line, a distance of 36.0 feet to a point on the South right of way line of Washington Center Road; thence West with a deflection angle to the left of 32 degr. 08 min. along the South right of way line of Washington Center Road, a distance of 393.21 feet to the point of beginning, containing 6.39 acres.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 23, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1987.

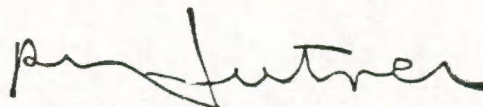
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1987.

Certified and signed this
25th day of June 1987.



Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Managment - CD&P

SYNOPSIS OF ORDINANCE 1609 West Washington Center Road

3-87-04-09

EFFECT OF PASSAGE Property is presently zoned M-1 - Light Industrial. Property will become I-A Symbol - Interchange Access District.

EFFECT OF NON-PASSAGE Property will remain M-1 - Light Industrial District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

Cracker Barrel
OK

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From M-1 to IA

DETAILS

Specific Location and/or Address

1609 West Washington Center Road

Reason for Project

To allow for future construction of a restaurant.

Discussion (Including relationship to other Council actions)

20 April 1987 - Public Hearing

Jim Federhoff, attorney representing the petitioners stated that they are requesting the rezoning with the intention of constructing a Cracker Barrel Restaurant. He stated that he would like to discuss the staff recommendations, specifically the two primary objections stated in the recommendation. The first is that there was no development plan submitted with the rezoning request and also that this rezoning appears to be, in the words of staff, "an attempt to bypass the Sign Ordinance". He stated that as far as the absence of a development plan, it is costly to go to the process of having a plan drawn up by an engineer or architect, it seems to make more sense for a developer to be permitted to seek a rezoning and once that rezoning is approved by Council to then have the engineering work performed, rather than going through all of that expense then have the rezoning rejected. He stated that he also questions the legality in the ordinance of requiring that a development plan be submitted and approved as a condition of a rezoning. He

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Marathon Oil / Cracker Barrel
Old Country Store Inc
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to condition
 (See Details column for condition)
CITY COUNCIL
ACTIONS
(For Council
use only)
☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

stated that with regard to the suggestion that the Sign Ordinance is being circumvented. He stated that this was submitted to the Board of Zoning Appeals to allow for a height variance for the sign on this property. He stated that he understood that the Board was primarily concerned with the concept of a variance being taken from the Sign Ordinance. He stated from his information he did not believe that the members of the Board had any real objection to the actual signage proposed. He stated the staff was in favor of the proposed variance and there was no opposition to the request. He stated that what they are opposing on this property is basically a downzoning from an M-1 to an IA Symbol. He stated further that the requested downzoning came after a meeting with staff at their suggestion following the BZA denial.

The Real Estate Manager for Cracker Barrel stated that their establishments are restaurants and gift stores that trade with primarily the Interstate traveller. He stated they have located this particular site due to the visibility from the Interstate. He stated they requested a 65 foot high sign out along SR #3 that would provide them with good visibility from the Interstate and from the north and south. He stated that it is hard to see anything but traffic on the Interstate with the exception of the high rise signs, which tend to be approximately 85 feet high. He stated they do not want a sign that high but one 65 foot high. He stated they were informed that the sign allowed in an M-1 would be a maximum

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

height of 35 feet and would stand it behind the stop lights.

Steve Smith suggested that the developer work with the staff and perhaps the developer might want to defer for 30 days to give them time to submit a development plan, which was one of the reasons that the staff gave an unfavorable recommendation for this request.

Ken Tipton, General Manager of the Carlton Lodge stated that they (Carlton) would encourage the Commission to react favorably to the request.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

22 June 1987 - Business Meeting

At the April 27, 1987 business meeting the Plan Commission deferred action on the request until the petitioner submitted drawings and documentation meeting the requirements of the ordinance.

The petitioner submitted said drawings and documentation and the development plan was heard at the June 15, 1987 public hearing

At the June 22, 1987 business meeting motion was made to return the ordinance to the Common Council with a DO PASS recommendation.

Of the 6 members present 5 voted in favor of approval one (1) did not vote.

Motion carried.

Project Start

Date 3-19-87

Projected Completion or Occupancy

Date 6-25-87

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Gary Buten
Reference or Case Number

Date 6-25-87

Date

6/24/87

BILL NO. Z-87-04-09

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort

Wayne Zoning Map No. K-34

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)X Do Pass

YES

NO

JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 7-14-87

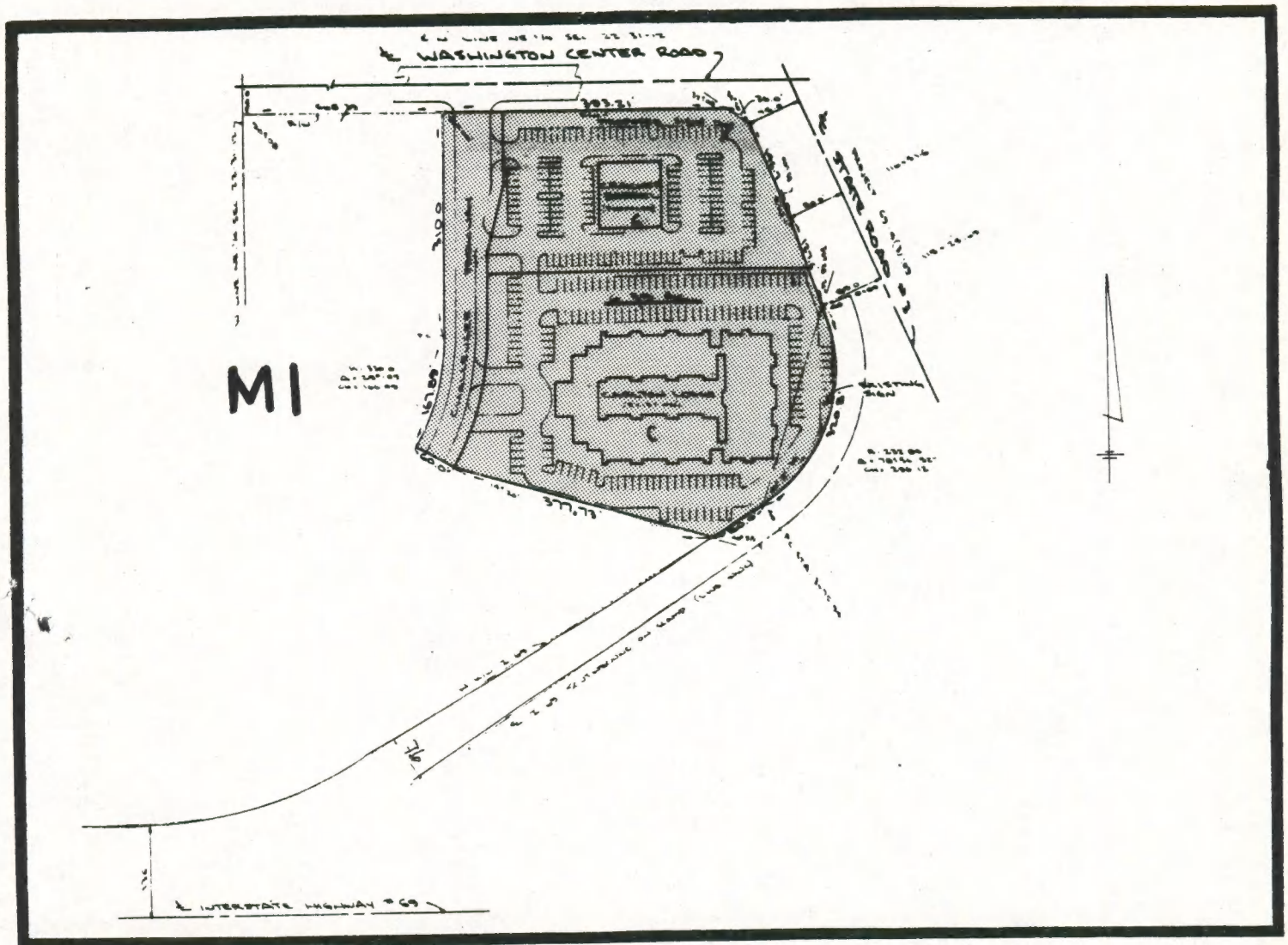
Janet G. Bradbury

SANDRA E. KENNEDY
CITY CLERK

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM M-1 TO AN I-A DISTRICT.

MAP NO. K-34

COUNCILMANIC DISTRICT NO. 3



ZONING:

MI LIGHT INDUSTRY

LAND USE:

☐ COMMERCIAL

SCALE: N.T.S.

DATE: 4-1-87

